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Non-governmental organizations

Report of the Committee on Non-Governmental Organizations on its 1999 session

Addendum

I. Matter calling for action by the Economic and Social Council

Consideration of the withdrawal of the consultative status of Christian Solidarity International

1. The Committee on Non-Governmental Organizations, having completed its consideration of the question of the consultative status of Christian Solidarity International, in full accordance with the process stipulated in Economic and Social Council resolution 1996/31, recommends to the Council the adoption of draft decision II contained in the report of the Committee on its 1999 session,[1] which calls for the withdrawal of the consultative status of Christian Solidarity International.

II. Consideration of the consultative status of Christian Solidarity International in accordance with Economic and Social Council resolution 1996/31

2. In accordance with Economic and Social Council decision 1999/268 of 30 July 1999, the Committee on Non-Governmental Organizations met on 7 September 1999 to resume and complete its consideration of the question of the consultative status of Christian Solidarity International (CSI), which had been taken up at its regular session in June 1999 (see E/1999/109, chap. IV.A).

3. The Committee held two meetings (714th and 715th meetings).

4. The Vice Chairman of the Committee, Eduardo Tapia (Chile), served as Acting Chairman.

5. The Committee had before it a submission provided by CSI including an explanation of the incident that had occurred at the fifty-fifth session of the Commission on Human Rights in Geneva and a report on its activities.

6. The representative of CSI briefed the members of the Committee and responded to questions raised. He began by

[1] E/1999/109.

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informing the Committee that CSI was an international Christian human rights organization and that, since its inception, its main function had been human rights advocacy achieved through peace dialogue. The representative added that, as an extension of its core human rights work, the organization had developed programmes for victims of catastrophes and for children victimized by poverty. Noting that currently his organization was implementing programmes all over the world, the representative asked that the Government of the Sudan's complaint against CSI be viewed in the context of this broad and multifaceted work.

7. With regard to the complaint of the Government of the Sudan, the representative of CSI acknowledged that an incident had indeed taken place during the consideration of item 4 of the agenda of the fifty-fifth session of the Commission on Human Rights on 23 March 1999. He emphasized that the incident involved a participant who, although accredited by CSI, appeared as a witness, not as a representative of that organization. The representative of CSI acknowledged that the incident in question included a number of procedural errors as detailed in the formal written response submitted to the Committee. The representative noted that a prompt apology had been offered to the Chairperson of the Commission on Human Rights, Ambassador Anne Anderson. Moreover, it appeared from an article in the domestic press of the Sudan that the apology had been acknowledged by the Government of the Sudan. The representative of CSI reiterated its apology to the Committee for the errors committed and for all the unforeseen and regrettable events resulting from the incident. The representative further stated that the organization would redouble its efforts to ensure that its representatives fully respected the regulations and practices pertaining to the activities of the accredited non-governmental organizations and that CSI would, in future, consult closely with the appropriate United Nations non-governmental organizations liaison offices regarding correct procedures.

8. The representative of CSI also stated that this organization maintained that the incident that had given rise to the complaint of the Government of the Sudan did not constitute a pattern of acts against the principles of the Charter of the United Nations. Thus, the withdrawal of CSI's consultative status would be unwarranted according to Economic and Social Council resolution 1996/31, paragraph 57. Moreover, the representative stated that if consultative status was to be withdrawn from CSI, it would establish a negative precedent, as the present case affects all non-governmental organizations. The representative further stated that it would be a great misfortune for the defenders of human rights if a precedent was set whereby any non-governmental organization involved in a technical-procedural error was to be punished unduly on the basis of one specific case. The CSI representative concluded by submitting the organization's most sincere and profound apology for its errors with the assurance that there was no intention to offend the Committee or any of its members.

9. One delegate noted that after listening to the representative of CSI, particularly to his comments on the message that the Committee should send to the non-governmental organization community, her delegation wished to express its assurance that the Committee would always — as indeed had been the case during its session of June 1999 — respect all the correct procedures and would carefully analyse the issue, based on the comments and answers of the CSI representative. The representative of that delegation added that the Committee was seriously committed to its function and wanted to send the appropriate message to the non-governmental organization community, because it understood and placed a high value on the contribution of non-governmental organizations that worked with the United Nations regarding Economic and Social Council resolution 1996/31.

10. That delegation requested further information on the date on which the Committee had informed the organization that a complaint had been levelled against it on the basis of the incident at the fifty-fifth session of the Commission on Human Rights. Further information was also requested regarding the nature of the response provided and the reason that the response had not been issued within the three working weeks of the Committee.

11. The same delegate also requested clarification on the message that CSI had wished to transmit to the Committee in its assurance that it "will guarantee on the one hand the independence and effectiveness of non-governmental organizations and, on the other hand, full respect to the principles of the United Nations". The representative of the non-governmental organization stated that there had been confusion at CSI about the different communications it had received from the Committee. The delegation commented that its understanding was that the communications of the Committee had been clear and requested the Secretariat to report on the communications sent to the organization.

12. The representative of CSI explained that two communications had been received, one after the other, on the matter. As the organization did not understand how to format its reply, the requested deadline set by the Committee had not been met. The representative noted, however, that CSI was willing to comply with all reasonable requests, this

being reflected by the way in which the organization had responded to Economic and Social Council decision 1999/268 of 30 July 1999.

13. Questions were asked concerning the accreditation of Dr. Garang to the Commission on Human Rights, the circulation of his statement under a Sudanese People's Liberation Army/Movement (SPLA/M) letterhead and the criteria and mechanisms employed by CSI to monitor the actions of those to whom accreditation had been granted.

14. In response, the representative of CSI reiterated that Dr. Garang had been duly accredited by the United Nations, and that he had a worldwide reputation in the international community. The representative emphasized that Dr. Garang was to appear before the Commission on Human Rights as a witness to the situation in the southern Sudan. The representative acknowledged that, owing to various problems, CSI had not followed its usual procedure in overseeing the distribution of Dr. Garang's statement. As soon as the lapse was detected, the organization stopped distribution of the statement.

15. In response to questions of affiliation with Solidarity France Southern Sudan (SFSS) and Christian Solidarity Worldwide (CSW), the representative of CSI denied any relationship with either organization.

16. Responding to another question on the activities of the organization in the Latin American region, the CSI representative focused on the organization's advocacy on behalf of human rights and victims of political aggression. He pointed out that, once active on this issue in one particular country of the Latin American continent, the organization had in recent years shifted its activities towards working on behalf of children victimized by poverty.

17. One delegation asked about the nature of the organization and whether it was a religious organization or an organization dealing with human rights. The representative of CSI assured the Committee, that even though it was a religious organization, its activities extended towards all humankind regardless of race, religion or gender.

18. An observer delegation requested further information on CSI's involvement with the Sudanese People's Liberation Army (SPLA) and its affiliation with the movement, referring to a quotation from the CSI home page which might be construed as expressing CSI's support of SPLA and which read as follows:

> "Human rights violations have been committed by all parties to the Sudanese civil war ... In the absence of any intervention by the international community, the SPLA is the only force defending the black African communities of southern Sudan, the Nuba Mountains and in the NIF's (National Islamic Front's) war of genocide."

19. The CSI representative expressed the view that CSI did not support SPLA and that there was no special relationship with this movement. The quotation obtained from the CSI Web site referred to slave raids in the southern Sudan. Moreover, the CSI representative indicated that the people of the Sudan had pointed out that SPLA might be the only protection they had, and that this did not imply any official support for SPLA by CSI.

20. The same delegation also questioned CSI's unauthorized entry into the Sudan based on the following quotation from the CSI Web site:

> "Then they must enter southern Sudan without the permission of the Government of Sudan. This requires chartering a special plane with a skilled pilot who is willing to take a significant risk. This transportation is included in the cost of the slave redemption mission."

21. The representative of CSI maintained the position that certain areas of the Sudan were not accessible to non-governmental organizations; thus, in order for CSI to implement its programmes in these areas, it had to enter without the official permission of the Sudanese Government.

22. The observer also raised the criticism levelled by the United Nations Children's Fund (UNICEF) concerning CSI's slave redemption programme which hindered the resolution of the long-term civil war in the Sudan. Furthermore, the delegate questioned the basic premise surrounding the CSI's slave redemption efforts because in essence it supported the idea that human beings were purchasable.

23. CSI stated that the redemption programme was being carried out at the request of the local people. He concluded by pointing out that, when the international community succeeded in eradicating slavery without resorting to monetary exchange, CSI would gladly abandon its programme.

24. Having heard the explanations of the representative of CSI, several delegations continued to believe that the incident that had taken place at the fifty-fifth session of the Commission on Human Rights in Geneva should entail withdrawal of consultative status with the Economic and Social Council, as stipulated in paragraph 57 (a) of Council resolution 1996/31. Many delegates felt that the incident was not a procedural error as CSI claimed, but rather a substantive error. However, other Committee members expressed the view that the incident in question was an

isolated first-time incident and did not constitute "a pattern of acts contrary to the purposes and principles of the Charter of the United Nations" and, therefore, should have warranted a less severe sanction.

25. After hearing the responses and explanations of the representative of CSI to the various questions of the Committee members, the representative of the United States of America made the following statement:

> "... concerning Christian Solidarity International (CSI) and we are of the opinion that CSI should not have allowed Mr. Garang to speak in his own capacity, and deliver an intemperate speech before the Human Rights Commission.
>
> "Noting this, however, we feel that revoking CSI's consultative status would be an overreaction to the matter at hand. We believe that CSI's transgression does not rise to a level that warrants the withdrawal of its consultative status. After a thorough review of the facts, we find nothing in this situation that violates the provisions of Economic and Social Council resolution 1996/31. For this reason, we believe that CSI should not be punished with withdrawal of its accreditation. Doing so would negate the many charitable acts that CSI is responsible for around the world. There are many children today whose lives have been improved by the efforts of CSI. Alleviating human suffering in times of conflict is a large part of why we work together, and CSI has certainly made a contribution to this effort.
>
> "Although, we believe that inappropriate behaviour by non-governmental organizations should not be tolerated, we should not send non-governmental organizations a message that they will be expelled from the process by virtue of one mistake. I think that the representative of CSI has clearly acknowledged this mistake and has this morning made a heartfelt apology for this mistake. It is in this spirit that we urge the delegates of this body to reconsider their position, and conclude that CSI's action does not warrant withdrawal of its accreditation to the Economic and Social Council."

26. The representative of the Sudan made the following statement:

> "The Government of the Sudan filed a complaint on 28 April 1999, before this Committee, against the non-governmental organization Christian Solidarity International (CSI). The said non-governmental organization had accredited as its representative at the fifty-fifth session of the Commission on Human Rights in Geneva, to address the meeting of the Commission on 23 March 1999, the leader of the terrorist secessionist rebel movement in the southern Sudan, Dr. John Garang. He started his statement by identifying himself as the Commander of SPLM and of the National Democratic Alliance (NDA). My delegation related in its complaint a detailed account of this incident, explaining the flagrant violation by this non-governmental organization of the regulations governing the relationship between the United Nations and non-governmental organizations, in particular as set forth in Economic and Social Council resolution 1996/31.
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> "This incident constitutes a direct threat to the sovereignty and the national security of my country. It also represents a serious concern to my Government as well as to many other delegations at the United Nations. Prompted by these facts, the delegation of the Sudan was keen to raise this issue on the first day of the session of the Committee on Non-Governmental Organizations at its informal meetings as well as at its formal meetings. We requested the Committee to take a decision regarding our complaint during that session (1–18 June 1999). The Committee agreed by consensus to our request and at the end of its deliberations it decided to recommend to the Economic and Social Council the withdrawal of the consultative status of CSI.
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> "In Economic and Social Council decision 1999/268 of 30 July 1999, which was adopted by consensus, the Economic and Social Council stipulated that the Committee should complete its consideration of the consultative status of CSI. It further stipulated that the Committee should make a recommendation to the Council at its resumed session on 16 September 1999, after having received a reply from the non-governmental organization, in accordance with paragraph 56 of Council resolution 1996/31, on the decision of the Committee to recommend the withdrawal of its consultative status, and should consider whether there were new elements in its reply.
>
> "It is our belief that this decision reaffirms the mandate of the Committee on Non-Governmental Organizations in regard to its decisions to make recommendations to the Economic and Social Council in accordance with Council resolution 1996/31.
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> "My delegation has listened very carefully to the statement of the representative of the organization, as

well as to his responses to different questions, and we thank him for that. Regrettably, what he said is by no means different from what is contained in the written response of his organization, about which I would like to make the following comments:

"1. The response of the organization was submitted in two different forms. The first one is a response to the complaint by the Government of the Sudan regarding the accreditation by CSI of the rebel John Garang as its representative designated to address the fifty-fifth session of the Commission on Human Rights last March. The second one is a special report on the activities of the organization. It is the belief of my delegation that the second part of the response is not directly related to the issue in question today, since it can be reviewed in a different context. For that reason, we shall concentrate basically on the first part, which is in response to the issue we are discussing now.

"However, and after listening to the interventions of a number of delegations about the activities of this organization, we believe that this will help to shed light on the nature of these activities and their direct linkage to the issue we are discussing today.

"2. The organization stated a nominal and partial apology in its response. It further claimed that the Government of the Sudan had acknowledged its apology in the Sudan News Agency (SUNA) press release. In fact, the news agency was only reporting the apology of CSI to the Chairperson of the Commission on Human Rights as part of its routine news reporting — indeed, this statement by the organization is quite a strange one. We would then pose this question: Since when is any piece of news reported by the media to be regarded as an official position of a Government? Not only that — the organization in its response is still insisting that it did not violate the regulations governing its relationship with the United Nations when it accredited the rebel John Garang as its representative. The organization provided an analysis of this incident, indicating that his accreditation as a representative of CSI did not constitute an act contrary to the principles and objectives of the United Nations and that, on this basis, the Chairperson of the Commission had ruled — upon the request of the Sudanese delegation to stop him — that the representative of the organization was entitled to continue his statement since he was an accredited member of the organization, and that he was stopped for the second time by the Chairperson of the Commission because his statement was not germane to the agenda item under discussion.

"Relying on these flimsy justifications, the organization intends to indicate that the essence of the complaint by the Government of the Sudan relates to the accreditation of the rebel leader as the organization's representative to address the Commission. Our clear understanding and strong belief are that the essence of the Sudan's complaint relates not only to the accreditation of the rebel leader as CSI's representative, but also to the contents of his speech which was not germane to the agenda item under discussion, and his repetition of the same mistake even after he was accorded a second chance to speak and after he started to again attack the Government of the Sudan, following the identification of himself at the start of his speech as such.

"3. The organization, in its response, attempted to endow the well-known secessionist, terrorist rebel leader John Garang, with a credibility that he does not deserve. It went on to enumerate meetings he had held with a number of heads of State as well as international officials as an 'indication of international attention to his views on various issues, and ultimately as a proof that he was a legitimate representative of a considerable sector inside the Sudan. The representative of the organization affirmed this claim verbally, and we listened to a response to it when the distinguished representative of Ethiopia posed his questions.

"Now, we wonder whether CSI is a supreme authority which grants legitimacy to whoever it wishes according to its own criteria, which have nothing to do with the principles and objectives of the Charter of the United Nation and the international law.

"My Government considers the rebel Garang nothing but a terrorist, secessionist, outlaw and criminal embroiled in atrocities against children and women, and responsible for the continuation of the tragic war in my country.

"4. The organization, in its response, indicated that it is fully committed to defending the purposes and principles of the Charter of the United Nations, and strives to abide faithfully by all United Nations regulations governing the activities of accredited non-governmental organizations. The representative of the organization repeated this commitment before the Committee in the morning.

"It is our belief that such verbal assertions will ring hollow if words do not match deeds. While admitting its own serious mistakes, which we believe are substantive mistakes and not procedural ones as the representative indicated, the organization's acts stand as a clear evidence of its disrespect for the regulations governing the relationship between the non-governmental organizations and the United Nations, and the basic principles of sovereignty and territorial integrity of States which are enshrined in the Charter. The representative of the organization, in his response to a question by one delegation, said that it had had absolutely no recourse but to enter the Sudan illegally, and he tried to justify this in accordance with his own concepts. He went on to repeat that it was obliged to break the law and enter without permission into the territories of the Sudan to carry on its activities.

"5. The only conclusion that can be drawn from the response of the organization is its persistence in committing mistakes. It is regrettable that this is a clear manifestation of the organization's premeditated insistence on carrying out illegitimate acts contrary to the regulations governing the relation between the United Nations and non-governmental organizations.

"Mr. Chairman, the world is full of such rebellious and terrorist organizations, which are involved in activities against sovereign States. If we follow the concepts and criteria of CSI, we would at the end of the day find a large number of such organizations in different forums of the United Nations abusing wrongfully and illegally the status of non-governmental organizations. Now, the representative of the organization comes before this Committee to challenge its credibility and to contest its decisions, which he said were politically motivated.

"We would like to reiterate what we have mentioned on different occasions, namely, that we strongly appreciate and support the important and effective role played by non-governmental organizations in the world of today, in particular their humanitarian and development activities in the developing countries, We do not deny any organization its right to accredit whomever it wishes; but we stress that the accredited representatives of organizations, while addressing respectable international forums, do not have the right to abuse the forum available by propagating hatred, and terrorist and secessionist ideas as well as carrying out politically motivated acts, as did Mr. John Garang, the leader of the rebel movement, when he spoke before the fifty-fifth session of the Commission on Human Rights as a representative of CSI.

"This organization committed serious substantive mistakes in Geneva. It was given a second chance to rectify its mistake in the Commission, yet it repeated the same mistake and for that reason its representative was stopped from delivering his speech. The organization, once again, and in its response as well as through its representative, insists that it did not commit a mistake when it accredited the commander of the rebel movement. It is our belief that this organization will continue to insist on its position.

"After reviewing the response of the organization and listening to its representative, I can only say that we could have been in a position — one where the organization would have admitted its significant and grave mistakes — in which we couldn't have afforded not to respond to the requests of many distinguished delegations to reconsider the previous recommendation of the Committee. However, the representative of the organization is still insisting on justifying the mistakes of his organization before this Committee in different ways and forms. He even states again before the Committee that the only recourse was to violate the rules of the United Nations. Moreover, he persists in stating that he views these mistakes within the framework of what he calls a 'grey area', at a time when all of the delegations would agree on the gravity and the seriousness of these mistakes.

"For the above reasons, my delegation does not find any new element that justifies the reconsideration of the decision adopted by the Committee and changing the original recommendation transmitted at the last session of the Committee concerning the withdrawal of the consultative status of CSI. My delegation reiterates its request to the august Committee to immediately and by consensus confirm its previous recommendation to the Economic and Social Council regarding the withdrawal of the consultative status of CSI."

27. Following the reiteration of the request of the Government of the Sudan that the Committee's previous recommendation to the Economic and Social Council on the withdrawal of consultative status from CSI should be retained, the representative of the United States proposed that the recommended penalty be amended to the withdrawal of consultative status for a period of less than three years,

after which the consultative status of CSI would be automatically reinstated.

28. Following the proposal of the United States, the Committee engaged in a detailed discussion of the procedural approach to complying with Economic and Social Council decision 1999/268. It was generally agreed that the Council's instruction in its decision 1999/268 was as follows: it had called upon the Committee to re-examine its recommendation of 17 June 1999, and decide whether, in light of further information derived from a written submission and a presentation by a representative of the organization, its recommendation on the withdrawal of consultative status from CSI would be upheld. In this regard, several members pointed out that as the Committee's previous recommendation of 17 June 1999 had been neither rejected nor accepted by the Council, the status of that recommendation would have to be dealt with before any further action could be taken.

29. After a procedural discussion of the relevant rules (64 and 67) of the rules of procedure of the Economic and Social Council and paragraphs 57 and 59 of Council resolution 1999/31, the Chairman informed the Committee of his conclusion that the outcome of its present deliberations would supersede its previous recommendation and that there were therefore two proposals before the Committee.

30. In accordance with established procedure on the order of voting and in response to the request of the representative of the Sudan, a roll-call vote was taken on the first proposal, recommending to the Economic and Social Council that it adopt the recommendation contained in document E/1999/109 in which the Committee requested the Council to decide to withdraw the consultative status of the non-governmental organization Christian Solidarity International (CSI).

31. Statements were made prior to the vote by the representative of Bolivia who expressed concern regarding the process adopted by the Committee in which a decision by the Committee had been reviewed, and the representative of Chile who also expressed concern regarding the question of due process. In explaining the decision of the delegation of Chile to abstain from voting, the representative noted that CSI had acknowledged and apologized for its error, and its record of attendance at other meetings showed no pattern of systematic abuse; moreover, the organization was carrying on important work throughout the world.

32. The proposal was adopted by a roll-call vote of 14 to 1, with 4 abstaining. The voting was as follows:

In favour:

Algeria, Bolivia, China, Colombia, Cuba, Ethiopia, India, Lebanon, Pakistan, Russian Federation, Senegal, Sudan, Tunisia, Turkey.

Against:

United States of America.

Abstaining:

Chile, France, Ireland, Romania.

33. After the vote, statements were made by the representatives of France, Ireland and Romania who would have supported a less severe sanction in the form of the suspension of the consultative status of CSI. The representatives of France and Ireland expressed their satisfaction with the adherence to the procedures set out in Economic and Social Council resolution 1996/31, but found that the organization in question had shown no pattern of systematic abuse of its privileges. The representative of Ireland noted that her delegation would have liked to send a strong message to the Council in the form of a consensus vote.

34. In view of the results of the vote on the first proposal, the Committee decided to take no action on the second proposal put forward by the representative of the United States. In addition, the representative asked if reasons for the recommendation taken by the Committee would be conveyed to the organization.

35. Subsequently, the representative of one delegation reaffirmed that it was very important to clarify this, because of the question of the credibility of the work of the Committee and also because it was known that there was a great deal of attention focused on the procedures and work of the Committee. There was even close and unusual attention given recently by the media to the work of the Committee, and this was something by which members were pleased and honoured. This delegation expressed its regret that this attention had come only in the very few cases in which the Committee has had the difficult task of taking decisions on non-governmental organizations that had violated Council resolution 1996/31, and not in the thousands of instances in which the Committee had granted consultative status to non-governmental organizations in a broad spectrum of fields such as environment, human rights, development and so forth. It was stressed that the Committee had informed the non-governmental organization appropriately and respected the procedures when addressing the issue in question.

36. In light of the concerns expressed with regard to the procedures followed by the Committee, it was proposed that a full report of the proceedings of the meeting be transmitted to the Economic and Social Council at its resumed substantive session on 16 September 1999.